

GAHC010230292018



2026:GAU-AS:10829

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7166/2018

BIJOY SONOWAL
S/O DURGADHAR SONOWAL,
R/O NAGAMATI KHEREMIA GAON, NAMRUP,
P.O. BARBATPUR, P.S. NAMRUP
DIST. DIBRUGARH, ASSAM.

VERSUS

INDIAN OIL CORPORATION LTD. AND 3 ORS.
REP. BY CMD, INDIA OIL BHAVAN
NORTHERN REGIONAL OFFICE, 1, SRI AUROBINDO MARG, YUSUF SARAI,
NEW DELHI, DELHI, PIN - 110016.

2:THE MANAGER (LPG-S) AND FVC MEMBER
INDIAN OIL CORPORATION LTD.
TINSUKIA
PIN 786125.

3:CIRCLE OFFICER

NAHARKATIA REVENUE CIRCLE

NAHARKATIA
DIST. DIBRUGAHR
ASSAM
PIN- 786610.

4:CHAIRMAN
NAMRUP TOWN COMMITTEE

NAMRUP
DIST. DIBRUGARH

ASSAM
PIN - 786623

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

Advocate for the petitioner (s) : Mr. S. Borthakur
Sr. Advocate
Mr. D. Gogoi, Advocate

Advocate for the respondent (s): Mr. M. Sarmah, SC, IOCL

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 04.08.2026

Whether the pronouncement is of the
Operative part of the judgment? : Yes

Whether the full judgment has been
Pronounced? : No.

JUDGMENT AND ORDER (ORAL)

Heard Mr. S. Borthakur, the learned Senior Counsel assisted by Mr. D. Gogoi, the learned counsel appearing on behalf of the Petitioner. Mr. M. Sarmah, the learned counsel appears on behalf of the Respondent Nos.1 & 2. None appears on behalf of the Respondent Nos.3 & 4.

PREFACE

2. The present writ petition was filed challenging the communication dated 29.09.2018 whereby the Petitioner's

application for award of LPG distributorship at Namrup, District-Dibrugarh under the Open Category advertised on 12.06.2018 in the Type of LPG Distributorship - Rurban was rejected and an amount of Rs.50,000/- was forfeited in line with the terms and conditions of the advertisement.

BRIEF FACTS OF THE CASE

3. On 12.06.2018, a newspaper advertisement was published in the local daily, "Axomia Pratidin" for appointment of LPG Distributors under the Indian Oil Corporation Limited, Bharat Oil Corporation Limited, and Hindustan Petroleum Corporation Limited. In the said advertisement dated 12.06.2018, the LPG Distributorships were offered for four types of markets, i.e. Urban/Rurban/Gramin/Interior Area.

4. The Petitioner who had taken a plot of land on lease covered by Dag No.340 of PP No.16 with the dimension of 30^m2 X 25^m2 situated at Nagamati Kherimia Gaon, Namrup Road, Naharkatia in the district of Dibrugarh, Assam had applied for the LPG Distributorship under the Rurban Type Category under the IOCL for Namrup area, Naharani Block in the Open Category. The said application was submitted by the Petitioner on 13.07.2018. In the draw of lots which was conducted on 25.07.2018, the Petitioner was provisionally selected for the Namrup area. The

Petitioner was duly informed about the outcome of the draw of lots and was asked to deposit the security amount of Rs.50,000/-. The Petitioner submitted a Demand Draft on 04.08.2018.

5. On 29.09.2018, the Petitioner received an *email* from the DGM (LPG-S) IOCL, informing the Petitioner that his candidature for the LPG Distributorship at Namrup under the Open Category was rejected as the plot of land offered for construction of the showroom is not within the town limits of the advertised location of Namrup as on the last date of submission of the application, i.e. 13.07.2018. Being aggrieved by the said *email*, the Petitioner had approached this Court by filing the present writ petition.

6. The records reveal that vide the order dated 09.10.2018, the learned Coordinate Bench of this Court issued notice and further directed that the status quo as on 09.10.2018 as regards award of the LPG Distributorship at Namrup under the Open Category shall be maintained. The interim order thereupon has been extended from time to time.

7. An affidavit-in-opposition was filed by the Respondent Nos.1 & 2 wherein the stand taken is that as per the land document so submitted by the Petitioner, the land was covered under Dag No.340 and PP No.16 of Nagamati Kheremia Gaon. A clarification

regarding the ownership of the land was sought from the Namrup Town Committee vide the communication dated 24.08.2018 with the subject regarding whether the land offered for the showroom is within the boundary of the Namrup Town area. It was further mentioned that on 27.08.2018, a letter was received from the Chairperson and the Executive Officer, Namrup Town Committee wherein it was informed that the plot of land offered for construction of the LPG showroom and godown is not within the demarcation of the Namrup Town Committee.

8. It is further averred in the affidavit-in-opposition that upon receipt of the said communication dated 27.08.2018, the IOCL Authorities on the same day issued a communication to the Petitioner requesting to provide an alternative plot of land for construction of the showroom which was duly received by the Petitioner. It was further mentioned that on 30.08.2018, the IOCL Authorities for the ends of justice, issued another letter to the Petitioner in the same context. However, the Petitioner did not provide any alternative plot of land.

9. The Respondent Nos.1 and 2 also averred in the affidavit that a clarification was sought from the Circle Officer, Naharkatia vide the communication dated 04.09.2018 as to whether the land falls within the urban area. In reply, the Circle Officer, Naharkatia vide the letter dated 05.09.2019 confirmed that the said plot of

land does not fall under the existing demarcation area of Namrup Town Committee as on 13.07.2018. The Respondents further in the affidavit-in-opposition relied upon the Unified Guidelines for Selection of the LPG Distributors October, 2017 (for short, the Guidelines of October, 2017") and the definitions contained therein.

10. The records further reveal that the Petitioner has filed an affidavit-in-reply reiterating and reaffirming the statements made in the writ petition.

11. In the backdrop of the above, let this Court take note of the respective submissions so made by the learned counsels appearing on behalf of the parties.

SUBMISSIONS MADE BY THE LEARNED COUNSELS FOR THE PARTIES

12. Mr. S. Borthakur, the learned Senior Counsel submitted that the Type of LPG Distributorship in respect of which the Petitioner applied is Rurban. Referring to the Guidelines of October, 2017 which is Annexure-3 to the writ petition, the learned Senior Counsel referred to the definition of the "Type of Distributorship Area". The learned Senior Counsel submitted that in terms with the definition of the term "Rurban Vitrak", the LPG Distributorship is required to be located in the urban area and thereby providing

service to the LPG customers in specified rural areas, generally covering all villages falling within 15 kilometers from the Municipal limits of the LPG Distributorship location. The learned Senior Counsel submitted that the "urban area" has been defined to mean the same definition of "urban area" as per the Census, 2011. In that regard, he had referred the term "urban agglomeration" which is mentioned in the Census, 2011 to be a continuous urban spread constituting a town and its adjoining outgrowths, or two or more physically contiguous towns together with or without outgrowths of such towns. The learned Senior Counsel further drawing the attention of this Court to the Final Master Plan which had been adopted by the State Government and notified by Notification dated 19.10.2010 submitted that the Nagamati Kheremia Gaon has been brought within the Master Plan for Namrup.

13. The learned Senior Counsel further drew the attention of this Court to the certificate issued by the Circle Officer dated 01.09.2018 wherein it is mentioned that the plot of land falls under the demarcation area of Namrup Town Committee according to the Master Plan Report prepared by Town and Country Planning Department, Government of Assam. The learned Senior Counsel further submitted that though the Respondents have relied upon the communication dated

27.08.2018, but subsequently the Office of the Namrup Town Committee vide the communication dated 30.08.2018 has specifically mentioned that as per the Final Master Plan for Namrup, 2025 prepared by the Town and Country Planning Department, Government of Assam, the land covered by Dag No.340 of PP No.16 situated at Nagamati Kheremia Gaon is included in the Master Plan for Namrup.

14. Per contra, Mr. M. Sarmah, the learned counsel appearing on behalf of the Respondent Nos.1 and 2 submitted that though in the Final Master Plan which was notified vide the Notification dated 19.10.2010, Nagamati Kheremia Gaon is brought within the ambit of the Master Plan of Namrup, but the said village in terms with the Master Plan is retained as a rural area, and in that regard, referred to the Final Master Plan wherein under the heading "NAMRUP MASTER PLAN AREA", the area has been divided into two zones:- the urban zone which is comprised of areas falling within the township of BVFC, APL and ASEB and urbanized areas adjacent to those townships. The second zone, i.e., the Rural Zone is comprised of various villages including the Nagamati Kheremia Gaon. The learned counsel appearing on behalf of the Respondents Nos.1 and 2 therefore submitted that even in the Final Master Plan, the said village has been treated to be within the Rural Zone. The learned counsel further referred to

the portion under the heading "PLAN IMPLEMENTATION AND ENFORCEMENT" and more particularly with the heading "PLAN IMPLEMENTATION" and submitted that from a reading of the contents of the "PLAN IMPLEMENTATION", it would show that the development schemes would be applied in a phased-wise manner, and therefore, the learned counsel submitted that as on the date of issuance of the final Notification of the Master Plan, the Nagamati Kheremia Gaon continued to remain or treated as a rural area. The learned counsel further referring to the Master Plan and the map enclosed to the Master Plan also submitted that the area wherein the Nagamati Kheremia Gaon is situated have been shown as paddy field.

15. The learned counsel for the Respondent Nos.1 and 2 further submitted that it is in that context the Respondents, i.e. the Respondent Nos.3 & 4 have categorically mentioned that though the Nagamati Keremia Gaon has been brought within the Master Plan, but the same was yet to be brought within the Namrup Town Committee.

16. The learned counsel further referring to the definitions of "Shehari Vitrak", "Rurban Vitrak", "Gramin Vitrak" and "Durgam Kshetriya Vitrak" as defined in Clause 1 of the Guidelines of October, 2017 submitted that to be a "Rurban Vitrak", the area wherein the LPG Distributor has to be located in an urban area.

The urban area recognized is as per the definition of “urban” in Census, 2011.

17. The learned counsel further submitted that from the communication dated 04.09.2018 issued by the Office of the Registrar General, India in relation to the Census, 2021 Circular No. 2, the definition of “urban area” as per Census, 2011 has been duly explained. He submitted that the urban unit as per the Census, 2011 would include all administrative units that have been defined by the statute as urban like Municipal Corporation, Municipality, Cantonment Board, Notified Town Committee, Town Panchayat, Nagar Palika etc. are known as Statutory Towns. Further Statutory Towns with population of 1,00,000 and above are categorized as cities. The learned counsel for the Respondent Nos.1 & 2 further submitted that that the definition of “urban area” would also include those places which satisfy the criteria of (i) a minimum population of 5000 persons; (ii) 75% and above of the male main working population being engaged in non-agricultural pursuits and (iii) a density population of at least 400 persons per sq. km.r (1000 per sq. mile). The learned counsel further submitted from the document which have been taken out from the website of the Home Department of the State of Assam in connection with the Census, 2011 to 2026 that Namrup is a census town city in the district of Dibrugarh, and has a

population of 15,719 of which 8,187 are male while 7,532 are female, as per the report released by the Census India, 2011. The learned counsel further submitted that in so far as population of Nagamati Kheremia Gaon is concerned, as per Population Census, 2011, the population is 1686 of which 847 are male while 839 are female. On the basis thereof, the learned counsel therefore submitted that as the location in which the Petitioner had, offered the land, do not come within the definition of "Rurban Vitrak", the Respondents were therefore justified in rejecting the petitioner's application and forfeiting the security deposit of Rs.50,000/- as per the terms and conditions of the Guidelines of October, 2017.

ANALYSIS AND DETERMINATION:

18. This Court had duly heard the learned counsels appearing on behalf of the parties and perused the material on records which includes the pleadings as well as the enclosures therewith. From the advertisement so issued, it is apparent that the Type of LPG Distributorship in which the Petitioner applied was Rurban. At Clause 1 (c) of the Guidelines of October, 2017 for selection of LPG Distributors, the Types of Distributorship Area have been defined.

19. From a perusal of the definitions of the Types of

Distributorship Area, it is seen that there are four different types distributorship areas.

The first is the **Sheheri Vitrak** which is an LPG distributorship located in urban area that would service the LPG customers located within the Municipal limits of the Metro City/City/Town, and would be called Sheheri Vitrak. The definition of "urban area" is incorporated from the term "urban" as per Census, 2011.

The second Type of Distributorship Area is the **Rurban Vitrak**. It is defined as a type of LPG Distributorship which would be located in the urban area, and such distributor shall service to the LPG customers in specified rural area, generally covering all villages falling within 15 kilometers from the Municipal limits of the LPG distributorship location, and/or the area specified by the respective OMCs.

The third category is the **Gramin Vitrak** which would be a LPG Distributorship located in rural area and the term "rural" has been incorporated from the Census, 2011.

The fourth category is the **Durgam Kshetriya Vitrak** whereby the LPG Distributorship would be in difficult and special areas.

20. This Court also finds it relevant to take note of that in Clause 1(g) of the Guidelines of October, 2017, the term "towns" has been defined to mean the remaining towns not covered

under the Metro City and City as defined in Clauses 1(e) and 1(f) of the Guidelines of October, 2017.

21. This Court further finds it relevant to take note of the Final Master Plan which was notified by the Notification dated 19.10.2010. From a very perusal of the said Master Plan, it is seen that the Master Plan Area of Namrup contains an area admeasuring 28.37 sq. km. which included revenue areas of towns and villages, including the Nagamati Kheremia Gaon.

22. The Final Master Plan for the purpose of planning had divided the areas falling within the Master Plan into two zones. Zone A is the Urban Zone which comprised of the township of BVFC, APL and ASEB as well as the urbanized area adjacent to the township. The second zone is the Rural Zone which comprises the various villages including the Nagamati Kheremia Gaon. From a further perusal of the said Final Master Plan, it is also apparent that the Master Plan envisages that there would be planning carried out in phases and this aspect would be apparent from the heading "PLAN IMPLEMENTATION AND ENFORCEMENT" contained in the Final Master Plan.

23. In the backdrop of the above, this Court finds it relevant to take note of the documents which are relied upon by both the Petitioner and the Respondents. The documents which are relied

upon by the Petitioner are the certificates issued by the Respondent Nos. 3 and 4. The Respondent No.3 had issued a certificate on 01.09.2018 stating *inter alia* that the plot of land which the Petitioner had offered falls under the demarcation area of Namrup Town Committee according to the Master Plan Report prepared by the Town and Country Planning Department, Government of Assam. It is also seen that from another communication issued by the same Officer on 05.09.2018 wherein it is categorically mentioned that the plot of land so offered by the Petitioner does not fall under the existing demarcation area of the Namrup Town Committee as on 13.07.2018 which was the last date for submission of the application form. It was also mentioned that the village in which the plot of land is situated has been earmarked under the demarcation area of the Namrup Town Committee according to the Master Plan Report of the Town and Country Planning Department, Government of Assam and published in the Gazette Notification dated 19.10.2010. This latter document is relied upon by the Respondents.

24. This Court also takes note of the certificates which were issued by the Namrup Town Committee, i.e. the Respondent No.4. On 27.08.2018, the Namrup Town Committee through the Chairman and the Executive Officer informed that the plot of land

offered by the Petitioner is not within the demarcation area of the Namrup Town Committee. It is further seen that three days later, the Namrup Town Committee though reiterated that the land offered by the Petitioner is not within the demarcation of the Namrup Town Committee, but also certified that as per the Final Master Plan for Namrup, 2025 prepared by the Town and Planning Department, Government of Assam, the revenue area wherein the land offered by the Petitioner falls, is included in the Master Plan for Namrup.

25. This Court further finds it relevant to take note of the definition “urban” as provided in the Census, 2011 as the same has a vital significance for the adjudication of the present dispute. The definition of “urban area” is as follows:-

1. All places within a municipality, corporation, cantonment board or notified town area committee, etc. (known as Statutory Town).
2. All other places which satisfied the following criteria:
 - (i) A minimum population of 5,000;
 - (ii) At least 75 per cent of the male main workers engaged in non-agricultural pursuits; and
 - (iii) A density of population of at least 400- persons per sq. km.

26. From the documents which have been enclosed by the Petitioner as well as the Respondents, it is clear that though the Nagamati Kheremia Gaon is included in the Final Master Plan of Namrup, but it has been treated in the Master Plan within the rural zone. The documents which have been submitted by the Respondent Nos.3 and 4 further makes it clear that the land which was offered by the Petitioner is yet to be demarcated within the Namrup Town Committee. Under such circumstances, the first part of the definition of "urban area" as defined in the Census, 2011 is not satisfied.

27. The question arises as to whether the land can be brought within the ambit of the second part of the definition of "urban area" as per the Census, 2011. For the purpose of the application of the second part, there is the requirement that the urban unit has to have a minimum population of 5000; at least 75% of the male main working population engaged in non-agricultural pursuits and a density of population of at least 400 persons per sq. km. All the three conditions are required to be satisfied.

28. Nothing has been placed by the Petitioner to show that Nagamati Kheremia Gaon would come within the ambit of the second category. On the other hand, Mr. M Sarmah, the learned counsel appearing on behalf of the Respondent Nos.1 and 2 during the course of hearing had placed the Population Census of

Nagamati Kheremia Gaon which shows that the total population of Nagamati Kheremia Gaon was 1686 of which 847 were male and 839 were female.

29. Taking into account the above, it is therefore the opinion of this Court that the Petitioner's offered land do not satisfy the definition of "Rurban Vitrak" as defined in Clause 1(c) of the Guidelines of October, 2017.

30. The Respondents were therefore justified in cancelling the provisional selection of the Petitioner and forfeiting the amount of Rs.50,000/- as per the guidelines.

CONCLUSION

31. This Court does not find any merit in the instant writ petition to interfere with the impugned *email* dated 29.09.2018 enclosed as Annexure 11 to the writ petition.

32. Accordingly, the writ petition stands dismissed.

33. Interim order, if any, stands vacated.

JUDGE

Pradip Kumar Kalita

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Comparing Assistant